

RABNER BAUMGART BEN-ASHER & NIRENBERG, P.C.

Harold Rabner
Elliot M. Baumgart
David H. Ben-Asher
Jonathan I. Nirenberg^o
Eugenie F. Temmler
Teresa Boyle-Vellucci^o
S. Robert Allcorn^{*}
Joseph S. Fine^{o*}
Fredda Katcoff^{*}
Omar A. López^{*}
David Owen^{o*}
Dennis H. Sabourin^{o*}
Jerome E. Sharfman^{o*}

Main Office
52 Upper Montclair Plaza
Upper Montclair, NJ 07043
Tel: (973) 744-4000, Ext. 117
Fax: (973) 783-1524

New York Office
122 West 27th Street, 10th Floor
New York, NY 10001
Tel: (646) 822-6703
Please reply to our Main Office

www.rabnerbaumgart.com

Dennis H. Sabourin
dsabourin@rabnebaumgart.com
Direct Dial: (973) 842-4974

^o Admitted in NJ & NY
☐ Master of laws (LLM) in Taxation
^{*} Of Counsel

April 26, 2019

William H. Pauley, III, U.S.D.J.
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Room 1920
New York, NY 10007-1312

MEMO ENDORSED

Re: Moza, LLC v. Tumi Produce International Corp., et al
Case No.: 17-CV-1331 (WHP)

Dear Judge Pauley,

With great reluctance, I am requesting a one business day extension to Monday, April 29, 2019 to file the proposed findings of fact and conclusions of law on behalf of defendants Michael Felix and Ultra Fresh.

I am having unanticipated delays in completing and filing this document for a number of reasons. Perhaps the most significant from the Court's point of view is that for some reason which escapes me, I cannot open documents electronically on the Court's docket and I need to review one or more of them in connection with completing the drafting of proposed findings of fact and conclusions of law. When I attempt to open a document from the on line history of the case, I get a blank screen with a small black square in the upper left hand corner of the screen. I have checked with the PACER support desk but they are unable to assist me. My own staff is unavailable today (or at least absent as yet) and, as yet, I cannot reach our own third party technical support in an attempt to figure out what is going on. My inability is particularly puzzling to me in that from my own end my Adobe Acrobat program seems to functioning normally.

SO ORDERED:

Application granted.


WILLIAM H. PAULEY III
U.S.D.J.

4.26.19

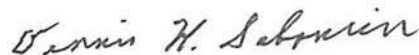
This is especially puzzling to me because, as the Court may recall, when ordered to turn over his file, my predecessor handed me a single thin manila folder with approximately 10 or 20 pages in it and represented that this was his entire file on the matter. Thus, in preparation for trial, I accessed and printed at least four documents from the case history folder electronically.

Admittedly, I might have ascertained this problem earlier but I have also had a shortened week as I was in California for my god son's wedding when the trial transcript arrived, flying back overnight on Monday night and worked a shortened day on Tuesday. In addition, a long standing client of mine (a client of some 20 years) who is quite elderly (approaching 90) advised me earlier this week of impending surgery and a need to revise her estate planning documents necessitating a fairly lengthy meeting in this already shortened week which was the only week I had to prepare the document for filing. I knew the schedule to prepare the document would be tight but I believed it would be workable. With the unanticipated need to meet with my elderly client and my unanticipated difficulty in accessing documents from the case history, I am concerned that I cannot properly complete and file the proposed findings from Felix and Ultra Fresh today.

Finally, I would like to note that though I understand that parties have apparently been repeatedly been late or have repeatedly requested delays in this matter, I only became involved shortly before trial. Again, while it may not be pertinent to the Court, I respectfully submit that this is the first (and presumably will be the only) request for an extension my firm has made in this matter and a one business day extension would not significantly delay this matter.

On behalf of myself and my clients, I would sincerely appreciate this courtesy from the Court.

Rabner Baumgart Ben-Asher & Nirenberg, P.C.



Dennis H. Sabourin, Esq. (6254)